Says Conditions Reported by Bulger Could Not Have Escaped Health Officer's Attention.

LATTER'S LAWYERS DEFIANT

Declare Governor's Conclusions Are Not Only Without Foundation, but Contrary to Testimony.

Albany, Dec. 28.-Governor Dix has asked for the immediate resignation of Dr. Alvah H Doty as Health Officer of the Port of New York, a post he has held since Dr. Doty's term expired last January. His removal was recommended recently by Charles N. Bulger, the commissioner appointed by the Governor to investigate the management and affairs of the office. The place pays \$12,500 a year, In his letter to Dr. Doty, made public today, Governor Dix reviews the report of Commissioner Bulger, who declared that the history of the business administratio of the state's quarantine "is replete with evidence of gross incompetency and inexcusable negligence." The Governor says the evidence "shows a condition of squale and uncleanliness in the rooms where immigrants were kept that shocks one's sense of decency and makes one ashamed of his country." He points out that thes

Employe Accused of Embezzling.

seld responsible for them

conditions should not have escaped the

Health Officer's attention, but whether o

not they came to his notice he must be

The Governor further says that the rethe position of private secretary by Dr. was confessedly short in his ac unts in the sum of \$2,020 50; that he paid tay in money and presented a bill to the department for \$1,170 50, which was allowed. ment, and the auditing of the bill collusive says the Governor. This same employe, the letter says, was charged with accomplish ing the ruin of a girl under the custody of department at Quarantine. Reference tis also made to an alleged overcharging for

It appears from the report, Mr. Dix says, between sick and healthy children tempo rarily detained at Hoffman Island, thereby ausing the spread of infectious diseases. Reference is also made to the alleged improper sewage and water systems at Hoffman Island, and that because of alleged nwholesome and unsanitary conditions that Island became impregnated with cholontinuing, the Governor charges that Dr. Doty failed to maintain an efficient puarantine and cites the case of the steamp Laura, which, although there was colera aboard, he says, was permitted to lock and the steerage passengers taken to Swinburne Island, except two, who were suffering with the disease, and the case of the steamship Abruzzi, where, it is said, some of the passengers were allowed to eave Quarantine and later came down found, it is said, that immoral and lewd practices were indulged in by the orderlies and other servants with immigrant women and girls while in quarantine at Hoffman

Only One Conclusion Drawn.

PHYSICIANS SHOW DISGUST

Governor's Action Great Mis-

statement from the Health Officer's law-

Both Dr. Doty and his counsel are as-

Thirty-four physicians of national repu-

ation adopted resolutions at a meeting of

December 13, it will be remembered, in

which they called on Governor Dix to re-

appoint Dr. Doty. To these men Governor

nd as a result of it a number of them

have determined to advocate that Quaran-

tine be administered by the Marine Hos-

omplainants against Dr. Doty's adminis-

Charles Dushkind, counsel for the

Says Conduct Can't Be Condoned.

Continuing, the Governor's letter says: self that were established by this examination that show conduct that cannot be
condined. It was charged that you received from incoming ships from time to
time packages of liquors, hams and other
articles. The defence put in by your counsel is not that you did not receive them,
but that they were not received in the
quentities charged in the evidence. Your
counsel admit, in their brief submitted,
nat you received "an occasional bottle of
frandy" and "an eccasional ham". It is
not indeed, the amount that you received,
but the fact that you permitted yourself to
be the recipient of the bounty of those
with whom you had official relations, that
is to be criticised. These gifts came from
incoming ships directly interested also in
charges for quarantine detention. The accretance of gifts under these circumstances, while not necessarily dishonest fortune, Says Dr. McLane.

It is conceded that more than one million of proper as to call for condemnation. It is conceded that more than one million of proper as to call for condemnation. It is conceded that more than one million of proper as to call for condemnation. It is conceded that more than one million of proper as to call for condemnation. It is conceded that more than one million of proper and other than one million of proper and saking for the immediate resignation of proper prevalent, from the West Interview of the proper and saking for the immediate resignation of proper prevales, and from Italian cities there infectious diseases from time to the proper and the proper prevales and from Italian cities there infectious diseases from time to the proper proper as to call framework that the proper proper is the proper proper that the proper pr

are rife e purpose of sanitary inspection at rantine is to prevent these diseases getting into the country. To accoming purpose it is necessary that saniconditions he established at the island that competent and careful inspection iven the Guarantine station from time and that those detained there he diseases yers. This statement reads:

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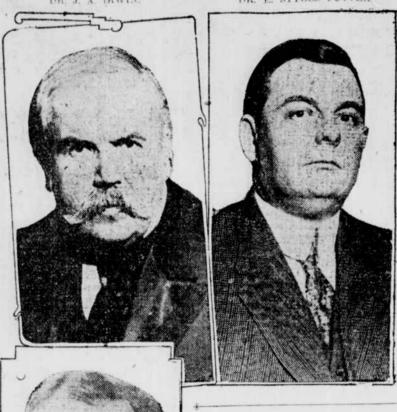
The Perfection of Cleanliness





DR. DOTY AND WOULD-BE SUCCESSORS.

DR. E. STYLES POTTER



country at large is just as much interested in the prevention of disease importation as it is in the prevention of oundesirable alien importation. The government built a hospital for the treatment of sick immigrant children on Ellis Island which cost \$1.00.00.00. Yet it's empty and the children are sent instead to a barracks on Hoffman Island together with cholera patients, just because the state and not the federal government has jurisdiction over their ailments. In regard to the Governor's finding, Mr. Dushkind gave out the following statement:

The Governor's decision speaks for itself and calls for no further comment. The talk that the investigation was inspired by political motives is perfectly ridiculous as is Dr. Doty's excuse for carrying on a children's hospital in the same building where he detains cholera infected passengers, or the attempt to justify his practice in requiring mothers to scrub floors in consideration for the privilege of seeing their sick children. That I undertook the prosecution of the Doty investigation without any political thoughts is best evidence by the fact that I had filled the very same charges upon which Ir. Doty was convicted with Governor Dix was elected. I had made a personal inspection of the institution on Hoffman Island in Doty and as a result of what I saw and what learned in comment intends to prove by going into the floor on Hoffman Island in the management of the Gueranined to hear the subsiders companies and what learned in connection with the management of the Gueranined to hear the subsiders companies and what learned in connection with the management of the Gueranined to hear the subsiders companies and what learned in connection with the management of the Gueranined to hear the subsiders companies and what learned in connection with the management of the Gueranined to hear the subsiders company in casings, and the Etna Trading Company in casings, and the Etn

properly separated, so that diseases do not spread among the passengers detained.

The conditions established show that there has been the grossest failure, either to establish or, if established, to preserve these necessary sanitary precautions.

gested to the Governor the names of any physicians who might furnish a successor to Dr. Doty, and he replied that he had scrupulously refrained from indorsing or suggesting any candidate. Dr. E. Styles Potter, of No. 223 West 79th street, is the ost prominently mentioned for the place Your failure to prevent any personal ex-anation of charges brought directly home tive Tammany man, baving on different oc and the Assembly in his district, but with out success. At the time the Western Gov ternors were naving the metropolis a visit You could not have been ignorant of continuous that casual observation would have scovered. You must be held answerable ider the law for your failure to enorce siness methods, good discipline, cleanliness, sanitation and honest dealing within

Dr. Potter replied to a question last night have presented for my consideration an extensive brief, showing that no pains were spared in examining the evidence and in presenting such arguments as skilful counsel might devise. You had the benefit of the testimony of able physicians, who testified generally to your medical skill. It was apparent that you fully appreciated the importance of the charges against you. It is, therefore, impossible to excuse your failure. sideration an ex- that he had heard no word from the Gov.

portance of the charges against you. It is, therefore, impossible to excuse your failure to meet the specific charges of misconduct, extravagance, dishonesty, deprayity and immorality charged to your administration, and which neither the testimony of your distinguished medical friends nor the labors of your learned counsel have been able to palliste or explain.

I, therefore, ask for your immediate resignation and that the office of Health officer of the Port of New York be surrendered at once to your successor, to be appointed by me. ernor Dix's action, subjects he did not care to discuss. He said :

I have been in correspondence with the Marine Hospital Service headquarters in Waspington and with the health officers of Massachusetts and New York with a view fortune, Says Dr. McLane.

Governor Dix's letter to Dr. Alvah H.

Doty, Health Officer of the Port, confirming Commissioner Bulger's adverse report and asking for the immediate resignation

Massachusetts and New York with a view to having the matter brought to the attention of an authoritative body. I am now arranging for a discussion of the proposition before the Academy of Medicine on February 1. None of this, however, has any political significance, and is in no way inspired on my part by the Doty case. Dr. J. W. McLane, who was on Dr.

ernor's action "a great misfortune." The charges were absolutely trivial. Almost the unanimous sentiment of the medical profession favors Pr. Doty. The only errors shown in his administration were insignificant errors of business management, I think it's scandalous to remove him. They've been clamoring for the place because they want the patronage. In my Both Dr. Doty and his counsel are astounded at the communication from the
Governor, it was believed that the matter
would be referred by the Governor to his
legal adviser, the Hon William Church
Osborn, and that opportunity for argument
before Mr. Osborn would be accorded. But
his course was not taken, and the conclusions of Commissioner Rulger have been
ustained by the Governor, almost in the
same language as that which was used by
he commissioner. These conclusions are,
n our opinion, not only without foundafon, but directly in contravention of the
estimony.

because they want the patronage. In my opinion there hasn't been another health officer at Quarantine as good as Dr. Doty in my lifetime and I know a little about Quarantine affairs. I can only say I am Dr. Wendell C. Phillips, one of the thirtyfour whose resolution asking for Dr. Doty's

saimony.

As to the criticisms upon his business diministration, the fact is not mentioned in the letter of the Governor that Dr. Doty as had charge of the business affairs of the letter of the business affairs of the criticisms upon his business reappointment was presented to the Governor that the criticisms upon his business reappointment was presented to the Governor that the criticisms upon his business diministration, the fact is not mentioned in the letter of the Governor that Dr. Doty as the criticisms upon his business diministration.

administration, the fact is not mentioned in the letter of the Governor that Dr. Doty has had charge of the business affairs of Swinburne and Hoffman Islands only for the last two years; that during that period the has been constantly engaged in warding off the constant of helps and the has been constantly engaged in warding off the constant of helps and the has been constantly engaged in warding off the constant of helps and the has been as constantly engaged in warding these difficulties, he has erected my constant the coal man that, notwith the shorting of the contrary it appears that the coal furnished was of excellent quality and of reasonable price. In view of the disadvantages under which he has labored, we think that the exidence showed that the business administration of the affairs of his office has been highly creditable to Dr. Doty.

As to the administration of the office from the point of view of quarantne and sanitation, we are quite willing to rest upon the testimony and the opinions of such men as Dr. William M. Polk, Dr. Abraham Jacobi, Dr. Simon Flexner, Dr. Abraham Jacobi, D nounced, reads in part as follows:

Did space permit, many more details might be given of Dr. Doty's faithful and scientific administration which has made the New York Quarantine Station a model that is being studied and imitated by sanitarians the world over. Enough, however, has been said to demonstrate the remarkable efficiency of Dr. Doty in the difficult and responsible task of safeguarding New York and the entire country from imported epidemics of fatal disease. Not only the public health, but the business interests of the country demand that this work he continued and perfected by the man who has brought it to its present condition. Medical men know as no others can the danger of intrusting this work, not yet completed, to inexperienced and possibly incompetent hands, and the medical profession of New York is practically unanimous in urging that Dr. Doty he reappointed, especially arthis time, for it may be regarded as quite certain that within a very few months cholera will again be knocking at our door. Woe to the man who fails to recognize that knock and in his ignorance or incompetence opens wide the portal! Woe to the man who fails to recognize that knock and in his ignorance or incompetence opens wide the portal!

SHOT BY GANG MEMBER

Garage Owner Attacked Third Time by One of "Car Barn" Crowd. For several months "Barney" Ettman,

proprietor of the Harlem garage, at No. 53 East 108th street, has been receiving threatening letters from the "car barn gang." whose enmity he had incurred by having two of their members sent to prison. Two tration, himself favors such a change. He attempts had been made on his life, but on each occasion he succeeded in getting away The matter of preventing the importation of disease concerns not only the port of New York, where it must be prevented, or the State of New York, but the whole country. Immigration regulation is under the jurisdiction of the federal government, why shouldn't the administration of Quarantine be carried on also by the central authority and in strict connection with the regulation of immigration? Certainly the, without injury. The third one-yesterday morning-resulted in a bullet in the groin The assailant, thinking he had killed his man, made his escape. Dr. Aaronson, of No. 1664 Madison avenue, attended Ettman. Ettman has given the name of the man

\$4,000,000 PROFITS A YEAR ON \$14,000 tional Packing Company?" asked Mr. But-

Packers' Earnings on Oleo and tlations with Kuhn, Loeb & Co., of New Casings Were Enormous, Government Expects to Show.

13 COMPANIES IN PACT

All Who Sold Their Plants to National Agreed to Keep Out of Business 15 Years-Jacob Schiff to Testify.

Chicago, Dec. 28.-Objections by counse for the defence to evidence which the gov ernment seeks to introduce regarding the operations of the Kenwood Company and SUBWAY CAVE-IN KILLS TWO the Ætna Trading Company halted the pack ers' trial to-day and caused Judge Carpen ter to excuse the jury pending the hearing of legal arguments.

The government contends that the Kenwood Company, which was organized by the dealt in oleomargarine and the Etna Trad- work in the tunnel at the time, but all the fer an independent nomination.

Kenwood Company's profits were \$4,000,000 No. 17 East 134th street, Manhattan, and \$14,000. The profits of the Eina Trading Lumpkin, of No. 10 West 57th street, Man-Company also are alleged by counsel for

the Ætna Trading Company in casings, and and sent into the Atlantic avenue station. reason we contend that this testimony is acompetent and ask to have it excluded. "Standing alone, I do not see the evelancy of this testimony, but it may ead to something connected with the acts batch of indictments yesterday and was charged in the indictment," said Judge discharged after completing its term of 'arpenter. "I think the government should dury. Later bench warrants were issued

at this time state what it expects to for the men implicated in the plot, and it Special Counsel Pierce Butler said the disclosed in its full scope to-day, when government expected to show that the Judge Ray will hear in the United States packers made an inadequate allowance for Circuit Court a renewed application to rey-products in figuring the test cost of lease George Graham Rice on ball. animals slaughtered, which had a direct hearing on the workings of the alleged yesterday with Judge Ray in an effort to

"We expect to develop in the trial that hese companies are an important part of he pool or pools by which the packers the beil question, promising to take it up between 1900 and 1906 fixed the price of to-day. fresh meat and the figures to be paid for cattle," said Mr. Butler. "They were used to market by products at a higher price days ago and kept there as a material witrect by the parent concerns."

The argument of counsel on these points | George H. Decker, who are also in the will be continued when court reconvenes Tombs, held as witnesses, were released a-morrow morning

Jacob H. Schiff, manager for Kuhn, Loeb & Co., of New York, has been subprensed as a witness for the government, and will be called next week. "Was the final report of the appraisers

and expert accountants on the value of wholesale grocery house ten thousand the tangible property of the promoters of pounds of defective canned goods. It is the the big merger ever made?" asked Special Counsel Butler, resuming the direct ex- offal dump all had foodstuffs, and the amination of A. H. Veeder at the opening of the morning session. "The reports were not completed until tors have condemned about 600,000 pounds of

after the big merger had failed, and each | meat and foodstuffs, making December one member received a report of its own business," replied Mr. Veeder.

"Where were the meetings held at which plans for the big merger were discussed?" Mostly at my office, but at times w met at the homes of the principals. Who attended those meetings?"

"Various representatives of the packing nterests. J. Ogden Armour did not come often, but was represented by Arthur Meeker, P. A. Valentine or Attorney L. C. Krauthoff. Gustavus F. Swift, Louis F. Swift and Edward F. Swift represented Swift & Co.; Michael and Edward Cudahy appeared for the Cudahy interests, and Edward and Ira Morris represented Morris & Co.," replied Mr. Vecder.

Merger Suggestion Amused Swift. "When was the subject of the big pack-

ng merger first suggested?" "Early in 1902. Gustavus F. Swift first nentioned it to me. Lord Penmure Gordon, an Englishman, who had been prominent in merging corporations both in England and in this country, had met G. F. Swift and suggested that the packing companies of the country be combined.

"His suggestion was that the stock of the Chicago packers be bought at 200 and paid for in stock of the new company humor of this suggestion appealed to Mr. Swift. He was impressed with the general idea of consolidating, however, and a meeting was called in May, 1902, at which the subject was considered.

"All the packing interests were represented at that meeting. In those days the consolidation of corporations was a popular fad. In these days it is considered a

fallacy," replied the witness. "Was there no agreement made by the Chicago packers for a merger prior to May

31, 1902?" asked Attorney Butler. "Not to my knowledge." The witness then described the negotiations which led to the purchase by the

combination of several packing companies. The contracts covering these transactions were read to the jury. Veeder gave the details of the organization of the National Packing Company, which was formed on March 18, 1903, and which the government contends was the

instrument used by the indicted packers

to fix the price of meat. Thirteen Companies in Combination. The witness said that this corporation, which was capitalized at \$15,000,000, was

formed by the merging of thirteen companies and their subsidiaries, and that the properties were paid for in stock of the National Packing Company. A list of the companies and the prices paid for them by the National Packing Company was given as follows: Stock Yards Warehouse Company, \$30,-

00. Anglo American Provision and Refrigera-or Car Company, \$560,000. Kansas City Refrigerating Car Company, Fowlers Canadian Company (Ltd.), \$70,000. Friedman Manufacturing Company, \$119.

G. H. Hammond & Co., \$3,600,000. St. Louis Dressed Beef Company, \$2,100,-Hammond Packing Company, \$1,699,090.
Omaha Packing Company, \$2,200,000.
Hutchinson Packing Company, \$100,000.
Anglo-American Provision Company, 500,000.

Fowler Packing Company, \$900,000 United Dressed Beef Company, \$1,500,000 Veeder said these companies were all purchased by Armour, Swift and Morris before Michael Cudahy was taken into the

PERSIA FACING BRITISH old their plants agreed not to engage in the packing business for fifteen years. "Have you any more contracts or agreements used in the organization of the Na-

vould want." replied the witness.

ompany?

Whom did you talk with in your nego

Jacob H. Schiff. He was the manager

The witness was questioned regarding

the Kenwood Company, a corporation or-

ganized by the agents or employes of the

Earth and Timbers Fall.

fice." replied Mr. Veeder.

ousiness of the concern.

, ly to rescue their comrades.

supports from their places.

According to the report given by the po-

point where the cave-in occurred was re-

duced for safety. One-fourth of the trains

were sent to South Ferry, and the others

turned by Federal Grand Jury.

was expected that the scandal would be

Counsel for Rice held long conferences

secure their client's release from the

Tombs, where he has been kept since

Wednesday. Judge Ray declined to decide

It was learned yesterday that John Ahl-

berg, who was sent to the Tombs several

ness in the alleged bribery plot, is Rice's

valet. Neither he nor Edward Wilson and

BAD CANNED GOODS CONFISCATED

Health yesterday setzed in a downtown

policy of the department to cart to the

canned goods suffered the same consequen-

ces. In the present month the food inspec-

of the record months for the seizure and

destruction of foodstuffs and meats which

do not come up to requirements. The large

SUNDAY'S NEW YORK TRIBUNE

amount of poultry condemned pravious to

hristmas helped to swell the total.

Food inspectors of the Department of

yesterday.

of the firm and the whole thing," was Mi

Expedition May Be Sent from 'About three bushels, but nothing you Calcutta Into South.

York, for loans for the National Packing SHUSTER STILL HANGS ON

May Leave in Ten Days-Russia Promises Vengeance-Injured Consul, Mr. Smart, Safe.

London, Dec. 29.-The latest news re-That company was incorporated to dea in eleo ell, and I believe it did just what it rived here indicates that affairs in Persis was organized to do. It was incorporated are quieter. In Calcutta the belief is held in my office during my absence. I did not that an expedition will be sent to occupy know everything that went on in my of-Shiraz. It is understood that the precise form the British action will take will be Asked about the Ætna Trading Company, decided at Calcutta to-morrow, after a co Mr. Veeder said he knew nothing about the sultation with the home government.

King George is due to arrive at Calcutta Sunday and were awaiting reinforcements. o-morrow, and his presence may influence the decision. While it is believed Russia is Monday, when heavy reinforcements arpursuing a firm policy in the Tabriz dis-trict, details of the measures taken are tacks. Another Injured When Tons of still unknown.

A Teheran dispatch to the "Times" says that the British and Russian legations are Two men were killed and another was

rest were able to reach the mouth of the The dead are Herbert Cole, a negro, of Thomas Williams, of No. 124 St. Mark's

Place, Brooklyn. The injured man is John Hardly had the tons of earth ceased fallng on the victims, when the others in the where he received medical attention to tunnel, under the direction of S. H. Williams, the night superintendent, a brother Kazeroon of one of the dead men, began digging mad-

presed deep regret on behalf of the Regent and government for the incident. He lice the cave-in was due to a quicksand informed the British Minister that measwhich exists at the junction of the avenues. Several car lines run over the spot, and the constant jarring of the cars may exemplary punishment for the offenders. have loosened the earth and jarred the The Persian government is extremely ap-Service on the Interborough over the

prehensive lest Great Britain consider the ncident justification for a punitive expediion, which might lead to prolonged-pos were stopped at Borough Hall, one-fourth sibly to permanent-occupation of Southern W. Morgan Shuster, the American who

went as far as Nevins street, where they was dismissed from the office of Treasurer were transferred to the northbound tracks General by the Cabinet, is still awaiting SCHEFTELS PLOT NEAR HEAD o act in the interim. This would enable New Batch of Indictments Re-Mr. Shuster to leave Teheran in a short ravages of the Cossacs in Persia. ime. If the suggestion is accepted, pos sibly he will leave with his family in about The federal grand jury, which has been investigating the alleged plot to bribe the jury in the Scheftels case, returned a

The only possible route by which Mr. Shuster can return home ts by way of

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Pounds of Fire Prevention

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would prevent all of the country's

fires are preventable by carefulness.
Grinnell Automatic Sprinklers

They effected a truce, which was held until St. Petersburg, Dec. 28.-The appointmen

of a Russian Governor and chief of police for the city of Tabriz, in Persia, and the curred early yesterday morning in the glan ex-Director of Customs in Persia, as assumption by the Russians of the finanuntil 1905, was one of the alleged pools subway excavation ninety feet below the Treasurer General. Russia especially deused to market the packers' by-products. ground, at Fourth, Atlantic and Flatbush sires his nomination, but British business gether with the institution of exclusively avenues, Brooklyn. Fifteen men were at interests are dissatisfied. They would prework in the tunnel at the time, but all the fer an independent nomination. which says:

So far the response of Persia has been unfavorable, but the presence of Russian troops at Kasbin enables the legations to exercise much pressure.

Teheran, Dec. 28.—The British Consul, W. A. Smart, who was wounded in an engagement between his Indian escort and eight hundred Kasbgai tribesmen, is safe, having been brought from a caravansary where he received medical attention to The more definite statement of the

Novoe Vremya" ensues on a semi-officia The Persian Foreign Minister to-day statement issued by the government, which alled on the British Minister and ex- says that "in view of acts of foothardy aggression committed against the Russian orces and institutions in Tabriz, Resht and Enzeli, followed in some cases by brutal ures had been taken to insure Mr. Smart's torture of the wounded and base outrages safe arrival at his post at Shiraz and for on the dead," the government had decided to severely punish the guilty, and had instructed the Russian commanders to adopt most stringent measures. Wholesale arrests and trials by court

nartial of participants in the attacks on the Russian troops are to take place, while the onstitutionalists are to be disarmed.

London, Dec. 28 .- The Foreign Office de clares to be absolutely without warrant and he appointment of his successor. He has entirely incorrect the statement circulated suggested the selection of F. E. Cairns, in the United States that the British gov who was his principal American assistant, ernment had sent an ultimatum to Russia demanding the immediate cessation of the

LET CONTRACT FOR MUSEUM WING The Park Board awarded yesterday the contract for the excavation work neces sary to lay the foundation for the proposed Kashin and Resht, which are in the possession of the Russian troops, to Baku and through Russia.

The telegraph lines to Tabriz have been restored, and it is presumed that the fighting in that district has ceased, but all dispatches so far received from Tabriz are several days old and indicate that the Russians were in a desperate plight on

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